



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,583	07/15/2003	Elnar Breen	ADM0001	6887
27510	7590	11/30/2005	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			DEBROW, JAMES J	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/618,583	BREEN, ELNAR	
	Examiner	Art Unit	
	James J. Debrow	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 22 Jan. 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed on 15 July 2003.
2. Claims 1-8 are pending in this case. Claim 1 is an independent claim.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "70". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear as to what specifically the applicant is referring to when making reference to the "minimum detail level" in this context. Is applicant referring to a minimum level of information to be contained in the media content metadata profile? Clarification is required in this matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin et al. (Pub No: US 2002/0049788 A1; Filing Date: Jan 12, 2001) in view of Hoffberg et al. (Patent No.: US 6,640,145 B2; Filed: June 3, 2002).**

In regard to independent claim 1, Lipkin et al discloses an invention that allows dynamic acquisition of data from a variety of resources. The invention provides an apparatus for web content generation, including means for receiving data from the user (*receiving a request for a presentation page*), and transmitting data to the user (*sending the presentation page based on the result parameters*) (section 0023). One embodiment of the invention is comprised of a Web Content Server, which enables the invention to interact with the user regardless of the users hardware platform, locations, and software system (section 513; Fig 8A). The Web Server provides a page engine, which separates Model (data production), Widgets (interaction elements) and View Instruction (display information), and maintains these aspects of page production in different files (section 520). The Model module produces the data needed for displaying the page. The Model pages can produce XML representation of data using command

managers and command objects (section 0567). The Widgets module is a set of predefined presentation elements common to web applications. These elements can have user interactivity such as fields and links, or they can be images (*media content*), which are for presentation only (section 540). The View Instruction module contains all style and presentation (*presentation context*) for a given page (section 0539).

Lipkin et al. discloses a Delivery Agent (*delivery context*), which is responsible for delivering the results of a query or match to the correct recipients in the appropriate fashion. The Delivery Agents integrate with a variety of delivery mechanisms, from web page generation, and XML datagrams to email and event messaging systems (section 0940; section 0958; 1304 in Fig 13).

Lipkin et al. further disclose that the invention's platform architecture is made up of four layers, one of which is the Platform layer. The Platform layer provides underlying infrastructure for enterprise applications (section 0065; 501 in Fig 5). Each application is based around a core set of *metadata*. As with the current invention, Lipkin et al. invention uses *Metadata Profiles*, which contain the definition of each type of object in the system, its attributes, and some basic properties of those attributes (section 0203; section 0205).

Lipkin et al. does not disclose expressly *comparing metadata profile and determining result parameters*.

However, Hoffberg et al. discloses a media interface system in which the user provide a set of parameters that set the preferences of a presentation. The data is

Art Unit: 2176

analyzed for the appropriate presentation parameters (column 54; lines 38-40). The data is presented to the user based on the user's preferences. At the time of the invention it would have been obvious to a person of ordinary skill in the art to analyze the parameters entered by the user, with the metadata profile. The motivation for doing so would have been to ensure that the presentation provided to the user was based on the user's preferences, as opposed to other network concerns such as hardware limitations or compatibility issues.

Therefore, it would have been obvious to combine Hoffberg et al. with Lipkin et al. for the benefit of analyzing metadata profiles with user entered parameters to obtain the invention as specified in the claim.

In regard to dependent claim 2, As mentioned in Lipkin et al discloses an embodiment the invention that is comprised of a Widgets module, which is a set of predefined presentation elements common to web applications. These elements can have user interactivity such as fields and links, or they can be *images (media content)*, which are for presentation only (section 540).

In regard to dependent claim 3, Lipkin et al discloses an embodiment of the invention that is comprised of a View Instruction module. The View Instruction module use *style sheets* to define and control the *presentation* of output to the user (section 521; Fig 808).

In regard to dependent claim 7, Lipkin et al. discloses a Delivery Agent (*delivery context*), which is responsible for delivering the results of a query or match to the correct recipients in the appropriate fashion. The Delivery Agents integrate with a variety of delivery mechanisms (section 0958). The examiner uses the broadest interpretation of "variety of delivery mechanisms" to include any delivery mechanism *comprising of at least one of user parameters, device parameters, and network parameters*.

In regard to dependent claim 8, The examiner is not clear as to the meaning of "minimum detail level" in the context of this claim. Examiner uses the broadest interpretation to mean the media content metadata profile should not be empty. Therefore, this claim contains substantially similar subject matter as in claim 1, and is rejected on the same rationale. *(See paragraph 5 of the present Office action)*. *Web*

8. **Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin et al. (Pub No: US 2002/0049788 A1; Filing Date: Jan 12, 2001) in view of Hoffberg et al. (Patent No.: US 6,640,145 B2; Filed: June 3, 2002), further in view of Jogo (Pub No.: 20010048447 A1; Filing Date: June 5, 2001).**

In regard to dependent claim 4-6, Lipkin et al. does not disclose expressly metadata comprising one or more image border, at least one maximum image area, at least one optimum cropping area and at least one maximum crop area.

Jogo discloses an invention for cropping and synthesizing images. The images are displayed on a display screen (*maximum image area*), displaying a crop boundary (*maximum crop area*) with a reference point on the image. The reference point is used to keep the image centered in the crop boundary. The display screen displays reference lines (*image border*) inside the crop boundary to define an internal zone (*optimum cropping area*) within the crop boundary. The crop boundary is automatically enlarged or reduced in cooperation with the change in size of the internal zone, and thus the internal zone is kept in the predetermined proportion and position (*priority values*) relative to the crop boundary (section 0010).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a mechanism for cropping images and providing the attributes of the cropped image in a metadata profile. The motivation for doing so would have been to increase the process of preparing the cropped image for presentation.

Art Unit: 2176

Therefore, it would have been obvious to combine Jogo with Lipkin et al. for the benefit providing metadata profiles of cropped images to obtain the invention as specified in the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James J. Debrow
Examiner
Art Unit 2176

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
11/26/2005